

REMARKS

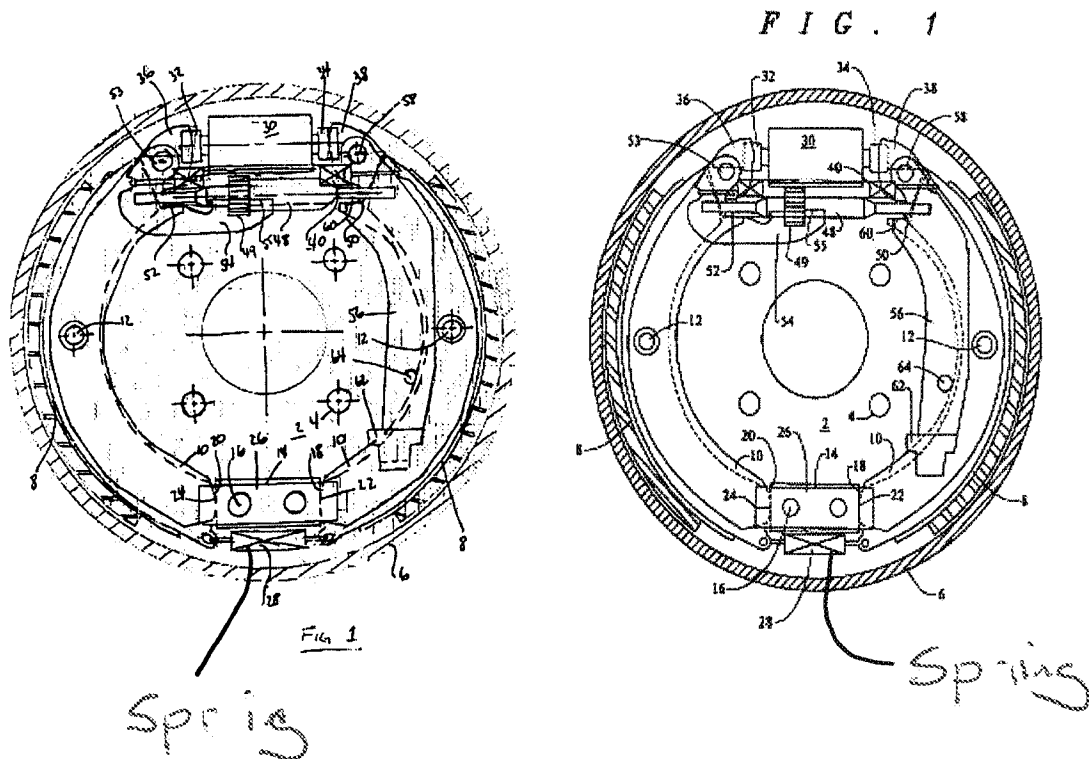
Claims 15-27 are pending in this application. Claims 15, 17, 19, 23, 25 and 26 have been amended and claim 27 has been added. On January 19, 2007, Applicant filed a Request for Continued Examination introducing new features of the present invention in order to advance prosecution of the present invention. However, the Examiner has not fully addressed all of these new claim features, as described herein. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Objections to Drawings

The revised drawings submitted on January 19, 2007 have been objected to under 37 CRR 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Examiner asserts that the claim feature “first and second actuating lever being configured to selectively engage the lower anchor block”, as recited in claims 1 and 26. Applicants respectfully disagree. Notwithstanding, Applicants have removed the term “selectively” to simply render this objection moot. Applicants intend to pursue this subject matter at a later date.

The Examiner has also objected to the drawings under 37 CRR 1.83(a) asserting that the claim feature “a first spring for connecting the lower portion of the first and second brake shoes for maintaining contact of the first and second brake shoes against the surface of the lower actuating block”, as recited in claims 24 and 26, is not shown in the drawings. Applicants respectfully disagree.

Applicants point out that in at least one embodiment, as shown below in original Figure 1 and revised Figure 1 (resubmitted herewith), the present application shows a spring connecting the ends of the brake shoes. In view of the foregoing, Applicants hereby resubmit the revised drawings previously submitted on January 19, 2007.



Rejection under 35 USC §112

Claims 15-26 stand currently rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that a “first and second actuating lever being configured to selectively engage the lower anchor block”, as recited in claims 15 and 26, and “a first spring for connecting the lower portion of the first and second brake shoes for maintaining contact of the first and second brake shoes against the surface of the lower actuating block”, as recited in claims 24 and 26, are not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In view of the amendments contained herein and the discussion pertaining to the teachings of originally filed drawings in the above ‘Objection to Drawings’ section, Applicants believe the rejections have been traversed and/or rendered moot.

Claims 15-26 stand currently rejected under 35 USC §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which

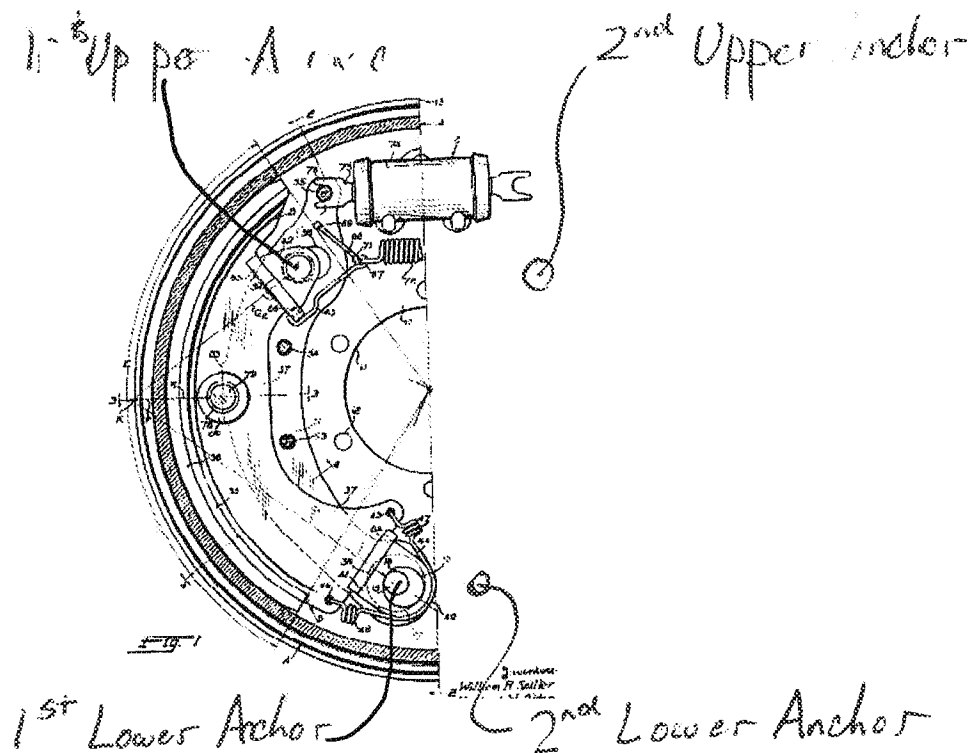
applicants regards as the invention. Applicants have simply amended the claims to render these rejections moot.

Rejection under 35 USC §103

Claims 15-23, 25 and 26 stand currently rejected under 35 USC §103 as being unpatentable over US Patent No. 2,337,069, to Spiller et al., and in view of US Patent No. 5,062,504, to Yamamoto. Applicants respectfully disagree.

Claims 15 and 26

Claims 15 and 26 recite an upper anchor block and a lower anchor block wherein the first and second actuating levers are configured to engage the upper and lower anchor block. Spiller fails to teach or suggest a first and second actuating lever configured to engage an upper and lower anchor block, but instead, a first and second actuating lever engaging separate anchor members. This is because, as shown below, each half of the Spiller brake system requires an upper anchor member and a lower anchor member for the brake system. This argument was presented in the Office Action Response mailed January 19, 2007, but not responded to in the current Office Action.



Claims 15 and 26 recite that the first and second brake shoes are pivotally mounted to the first and second actuating levers, respectively. Spiller fails to teach or suggest mounting, particularly pivotal mounting, of the first or second brake shoe with an actuating lever. Spiller teaches that the first and second brake shoes are not mounted to the first and second actuator levers, respectively, but instead allowed to “freely slide” relative to one another:

Journalled in a bushing 78 in brake shoe flange 37 is a trunnion member 79 having a pair of slots 81 82 formed therein (Figure 3). Levers 51 and 52 are each provided with a straight edge 83, which slidably coacts with the grooves in the trunnion member. The grooves, being located adjacent the diameter of the trunnion, provide long bearing surfaces of adequate area to sustain the loads imposed by the levers, which are constantly maintained in full surface engagement with the bottoms of the grooves.

The lever assemblies are accordingly operative to apply forces to the central portion of the brake shoe through trunnion member 79, and at the same time individual lever members may freely slide relatively to the shoe in the trunnion member slots, thereby permitting any self-aligning action to freely take place. P. 3, right column, lines 7-24.

Spiller simply fails to teach a brake shoe mounted to an actuating lever, let alone pivotal mounting.

Claims 15 and 26 also recite an automatic adjustment device engaging the upper ends of the first and second actuating levers. Spiller fails to teach or suggest an adjustment device engaging the upper ends of the first and second actuating levers. Yamamoto teaches an adjustment device adapted to engage the upper ends of the brake shoes, but not actuating levers. Yamamoto does not teach the adjustment device engaging acting levers.

Claims 15 and 26 include the feature that during application of the drum brake system the first and second actuating levers float with respect to the backing plate. The Examiner does not show where this feature is taught or suggested by the prior art. Instead, the Examiner indicates that it is unclear how Applicant's levers float in relation

to the back plate; however, no rejection under 35 USC §112 has been asserted to this claim feature.

Applicants note that the present invention teaches:

...
Each of the brake shoes 8 is associated with and actuated by a respective actuating lever 10. In the preferred embodiment, each shoe is attached to a respective lever by a connecting pin 12 located at the mid-point of the lever. In the embodiment shown, the pin extends through holes in the brake shoe so that the brake shoe and lever move together during braking. In this arrangement, the levers and shoes float together with respect to the backing plate. Par.14.

In the preferred embodiment, the levers and shoes are pinned to each other and float together with respect to the backing plate. Other arrangements are possible, however. It is generally desirable to control the motions of the levers and shoes to avoid unintended motions. For example, if the movement of the levers is not controlled, it is possible that they will engage the brake drum and cause damage. In the preferred arrangement, the movement of the levers is controlled because the brake shoes are confined to move only between the anchors, and the movement of the levers is controlled because they are pinned to the shoes. One alternative arrangement is where the levers are pinned to the backing plate and the shoes float with respect to the levers between anchors. Par. 6.

In view of the foregoing, and the drawings of the present application, Applicants assert that the attached brake shoes and levers are configured to move freely, or 'float', over the backing plate during application of the brake system.

In contrast, Spiller teaches that movement of the actuating levers and brake shoes are always controlled and thus are not allowed to float with respect to the backing plate. For example, the brake pad of Spiller is pivotally mounted to an upper portion of the backing plate through anchor pin 16. Similarly, the actuating lever of Spiller is pivotally mounted to a lower portion of the backing plate through anchor pin 15. Accordingly, during operation the both the brake shoe and the actuating lever securely mounted to the backing plate with an anchor pin.

For at least these reasons Applicants are of the opinion that the rejections to claims 15 and 26 under 35 USC §103 are traversed and these claims are in condition for allowance.

Claims 16 and 26

Claims 16 and 26 recite that during application of the drum brake system the first and second brake shoes float with respect to the backing plate. This is not the case. As stated above with respect to claim 15, the brake shoes of Spiller do not float with respect to the surface of the backing plate but instead are limited to one direction movement, e.g. pivotal movement about anchor pin (16).

For at least this reason, Applicants are of the opinion that the rejection to claim 16 and 26 under 35 USC §103 are traversed and these claims are in condition for allowance.

Claims 17 and 26

Claims 17 and 26 recite a parking brake actuator pivotally mounted to one of the first or second actuating levers and engaging the automatic adjustment device, wherein upon application of the parking break a force is applied to the other of said first or second actuating lever to cause an applied force to the first and second brake shoe through the pivotal connections.

Applicants note that neither Spiller, Yamamoto, nor the combination thereof, teaches or suggest a parking brake actuator pivotally mounted to an actuating lever of a dual leading-shoe drum brake system. Also, neither Spiller, Yamamoto, nor the combination thereof, teaches or suggest a parking brake actuator applying a force to an actuating lever of a dual leading-shoe drum brake system.

For at least these reasons, Applicants are of the opinion that the rejection to claim 17 and 26 under 35 USC §103 are traversed and these claims are in condition for allowance.

Claims 18 and 26

Claims 18 and 26 recite that the upper and lower anchor blocks are located along the vertical axis formed through the central portion of the backing plate. The Examiner asserts that this features is taught by Spiller but gives not indication where. Furthermore, not only does Spiller include two upper and two lower anchor members, but also, they are either off center or substantially off center from a vertical axis of the backing plate.

For at least this reason, Applicants are of the opinion that the rejection to claim 18 and 26 under 35 USC §103 are traversed and these claims are in condition for allowance.

Claims 24 and 26

Claims 24 and 26 recite a first spring for connecting the lower portion of the first and second brake shoes for maintaining contact of the first and second brake shoes against the surface of the lower actuating block. The Examiner has not yet formulated a rejection to this claim based upon prior art.

In view of the comment made herein with regards to the rejections under 35 USC §112, Applicants are of the opinion that the rejection to claim 16 and 26 under 35 USC §103 are traversed and these claims are in condition for allowance.

Claim 19-23 and 25

Applicants do not acquiesce to the asserted rejection of claims 19-23 and 25, but instead reserves the right to fully address these rejections at a later date, if necessary.

In view of the foregoing, Applicants believe the rejections to independent claims 15 and 26 have been traversed and/or rendered moot. Accordingly, Applicants believe that these claims are now in condition for allowance. Likewise, claims 14-25, which are dependent upon claim 15, are also believed to be allowable.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the

present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-1097 for any fee which may be due.

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